

Probation Services Task Force Meeting Minutes:
Judicial Council Conference Center, San Francisco, California
March 8, 2002

Attendance:

Task Force Members Present: Hon. Patricia Bamattre-Manoukian, Hon. Irma J. Brown, Hon. Denny Bungarz, Hon. Trish Clarke, Mr. Alan Crogan, Mr. William Davidson, Hon. Ronn Dominici, Ms. Sheila Gonzalez, Mr. Michael Johnson, Hon. Steven E. Jahr, Mr. Phil Kader, Mr. Bill Mahoney, Mr. Ralph Miller, Hon. Frank J. Ochoa, Mr. John P. Rhoads, Mr. Michael Roddy

Task Force Members Not Present: Hon. Kevin McCarthy, Hon. John Tavaglione

AOC Staff : Ms. Audrey Evje, Mr. Ron Overholdt, Ms. Allison Schurman, Mr. Bill Vickrey, Ms. Alla Vorobets

CSAC Staff: Ms. Elizabeth Howard

CPOC Staff: Ms. Norma Suzuki

Welcome and Introductions – Hon. Patricia Bamattre-Manoukian, Chair

- ❖ Welcome was extended to new members of the task force, Hon. Irma J. Brown, Judge, Los Angeles County; Hon. Steven E. Jahr, Judge, Shasta County; and to the new Executive Director of CPOC, Ms. Norma Suzuki.
- ❖ New member Hon. John Tavaglione, Supervisor, County of Riverside, was not able to attend this meeting and will be introduced at the May meeting.
- ❖ Mr. Mike Burns, Deputy Probation Officer II, resigned from the task force. Mr. Burns accepted a position with the INS border patrol in Arizona and can no longer serve on the task force. CPPCA has been asked to nominate a replacement. The task force will be notified with information on the new member as soon as it is available.

Meeting Dates & Logistics – Audrey Evje

- ❖ The next task force meeting will be held on May 2-3, 2002 at the Judicial Council Conference Center in San Francisco.
- ❖ Reimbursement Information for the Probation Services Task Force
 - Reimbursement normally takes four to six weeks from the date a completed form is mailed to the state controller after processing by the accounting unit, which could take three to four weeks.

- Receipts must show the date, cost, and the nature of the expense.
- Receipts that are not required to be submitted to the AOC should be retained in case of an IRS audit.
- Transportation—Air: Please call Gail Armstrong at 415-865-7648 and tell her travel is for Probation Services Task Force, please reference accounting code #2105.
- Transportation—Other Methods:
 - Actual costs will be reimbursed by the least expensive means of transportation (includes airplanes, trains, buses, transportation to and from airports, limousine, shuttle, and taxi fares, bridge tolls, and parking).
 - A private automobile may be used if it is the least expensive means or there are special circumstances. Private automobile reimbursement is 34¢ per mile, and the license plate number of the personal car used must be included.
- Lodging:
 - Lodging will be reimbursed for actual costs up to \$110 (may reimburse up to \$140 if applicable exception), plus tax and energy surcharge.
 - Lodging receipts must be attached to the Travel Expense Claim form and listed separately
- Meals:
 - Breakfast is only reimbursable two hours prior to your regular work start time. Maximum allowable is \$6.00
 - Dinner is only reimbursable two hours after your regular work end time. Maximum allowable is \$18.00
 - Lunch is not reimbursable for one-day trips, except for Judicial Council members and advisory committee members who are not State employees. Maximum allowable is \$10.00
 - Meals will be reimbursed for actual costs up to the amounts listed above, only if not provided at meeting.
 - List the cost of each meal separately on the Travel Expense Claim form.
 - Receipts for meals are not required.
- Incidentals: Reimbursed for actual costs up to \$6 if travel exceeds 24 hours.
- ❖ Future Meetings:
 - We are trying to schedule meetings in June 2002, September 2002, November 2002, January/February 2003, March/April 2003, and June 2003. Give schedule information to Allison Schurman. We will identify the best dates for everyone and confirm the final dates. We'd like to identify dates as soon as possible. We found that when people are absent we lose valuable input, so we would like to have everyone attend the meetings.
 - Possible meeting locations are San Francisco, Burbank, and Sacramento. Brown volunteered meeting space in Compton and Miller volunteered

meeting space at the union hall in Los Angeles. Ochoa offered Santa Barbara as a possible location. Meeting locations will be discussed further at the May meeting.

Consultant Al Schuman

- ❖ Al Schuman has indicated an interest in working with the task force during the second phase. Budget is tight this year so we are currently looking for money to pay for Al's services as a consultant to the task force. He is interested and wants to be involved and we feel it is in the best interest of the task force to keep him involved as he brings a valuable national perspective to the table.

Interim Report Circulation Update and Review of Phase I – Audrey Eyje

- ❖ The overall comments that we have received show that we did a very good job of assessing the current situation with probation. A lot of that is due to the steps we took in outreach in the first phase.
- ❖ We started by visiting six counties: Glenn, Fresno, Placer, Santa Clara, Santa Cruz, and Los Angeles. Al Schuman conducted this before the task force was formed to try and get an assessment of California probation. We used that information at our first meetings to frame the issues of our task force.
- ❖ As we moved forward we determined that we needed to survey probation. We sent surveys to the courts, presiding judges, court executive officers, county supervisors and CAO's, CPO's, a sample of line probation officers, district attorneys and public defenders. The information we collected gave us a good feel for probation in all 58 counties, although, unfortunately, we only received six responses back from the line probation officers. So, that may not be a representative group. We had participation from almost every county from at least one stakeholder. Many counties had all stakeholders responding.
- ❖ We then went to numerous events, conferences and board meetings of stakeholders, judicial conferences, public defender conferences, the DA association quarterly meeting, CSAC annual conference, and various events of that sort and conducted open forums for members of those groups to give us feedback as to the state of probation and various issues we were working on.
- ❖ We then visited probation in three counties (San Diego, Glenn, and Fresno) and spoke to both adults and juveniles in different capacities. We received a lot of information on how probationers view the system and a lot of it tied in with the information we received from the stakeholder survey and roundtable discussions. It was nice to see the congruence of information.
- ❖ From all of that information, we formed the five fundamental principles and drafted 18 recommendations.

- ❖ Draft PSTF Interim Report is out for comment from February 1- March 15. Currently, we are collecting comments and logging them into a comment chart. Copies of the comment charts and suggestions for report revisions will be sent to task force members in mid April.
 - Draft report was sent to 600 people including CPOs, supervising probation officers, line probation officers, county supervisors and CAO's, presiding judges, juvenile presiding judges, public defenders, district attorneys, SCOPO, CPOC, and other interested parties. The report was available on our Web site, as well
 - We have received 13 comments on the report to date
 - Overall comments on the report have been positive. Informally, people generally respect the quality of our first phase and feel that the report captured the essence of probation. People feel that we are on track with what we have done.
 - CPOC encouraged members to comment on the report and most have read it once and will probably read it again. There is a general sense amongst this group that while they might not be in total agreement with the contents of the report, they are pleased and feel that the report acknowledges the work, lack of funding, and immensity of the job of probation officer. In addition, they feel that the report has captured what they have been going through for years.
 - The deadline to comment is March 15, 2002. Extensions of the comment period can be granted by sending a request to Audrey Evje.

Review of Future Steps and Recommendations – Patricia Bamattre-Manoukian, Audrey Evje

- ❖ A list of the future steps and recommendations identified in the interim report was handed out to attendees
- ❖ Discussion focused on going through the recommendations and future steps to decide what can be worked on now and what will have to wait.
- ❖ A process similar to Phase I was suggested; create small working groups for issues that lend themselves to work groups and discuss others as a whole.
- ❖ Work groups would meet before the May meeting either by conference call or in person. We want to spend at least the first day in May going over the comments, reviewing the feedback, discussing a suggested plan for the group, and turning to the work of the subgroups and the issue of governance.

- ❖ Proposed Work Groups
 - 1. Ethics and Liability
 - 2. Review of laws & Mandates
 - 3. Employee Issues
 - 4. Fiscal Review
 - 5. Standards & Guidelines
 - 6. Technology
 - 7. Collaboration
 - 8. Education
 - 9. Governance
- ❖ Assignment of Recommendations to Work Groups:
 - *Recommendation 1: Probation departments must have stable and adequate funding to protect the public and ensure offender accountability and rehabilitation.* Goes with the Governance and appears to be an issue to defer until receive comments.
 - *Recommendation 2: Further study is needed to evaluate and develop a California Probation Model that conforms to the task force's fundamental principles and addresses the governance, structural, and fiscal concerns facing local probation departments.* Wait until we get feedback from the report. This fits under Governance.
 - *Recommendation 3: Probation departments should develop and annually review mission statements with clearly defined goals and objectives.* This fits under Standards & Guidelines.
 - *Recommendation 4: Probation departments should incorporate measurable outcomes in developing goals and objectives.* This fits under Standards & Guidelines.
 - *Recommendation 5: Probation departments should develop a common statewide language to facilitate communication, delivery of services, and comparisons across jurisdictions.* This fits under Standards & Guidelines, with a Technology crossover.
 - *Recommendation 6: Probation technology resources should be reconfigured and augmented to enhance statewide communication and improve operational systems, resource allocation, and capacity for evaluation.* This fits under Technology.
 - *Recommendation 7: Probation departments should develop assessment and classification systems and tools as part of an effective case management strategy.* This fits under Standards & Guidelines.
 - *Recommendation 8: Probation departments should establish a graduated continuum of services and sanctions to respond to the needs of each offender.* This fits under Standards & Guidelines.

- *Recommendation 9: Prevention and early intervention efforts in appropriate cases should be an essential component of effective and meaningful probation services.* This fits under Standards & Guidelines.
 - *Recommendation 10: Courts and counties should develop and implement partnerships and work collaboratively to ensure appropriate levels of services for adult and juvenile offenders.* This fits under Collaboration.
 - *Recommendation 11: Probation departments should adopt workload standards rather than caseload ratios.* This fits under Standards & Guidelines.
 - *Recommendation 12: Probation officers should be trained to ensure that children's educational rights are investigated, reported, and monitored.* This fits under Education.
 - *Recommendation 13: Probation departments should, whenever appropriate, support the efforts of parents and schools to identify children with exceptional needs or other educational disabilities to provide proper educational services.* This fits under Education.
 - *Recommendation 14: Probation departments should work with schools and education agencies to ensure that juveniles in custody and on probation receive the educational services and appropriate curriculum required by law.* This fits under Education.
 - *Recommendation 15: Probation departments should work with education agencies to ensure that adult probationers have access to educational and/or vocational services.* This fits under Education and Collaboration.
 - *Recommendation 16: Juvenile detention reforms should be developed and implemented to ensure that juveniles are appropriately detained and to reduce overcrowding in detention facilities.* This fits under Standards and Guidelines.
 - *Recommendation 17: Probation departments should consider an approach to probation that balances offender accountability, victim restoration, competency development, and community collaboration.* This fits under Collaboration.
 - *Recommendation 18: In conjunction with any change to the probation model in California, a change in name for probation should be considered to better reflect probation's function and status.* This fits under Governance and will be deferred pending comments.
- ❖ Assignment of Future Steps to Work Groups:
- *Review governance issues as they have been handled in other states and recommend ways to enhance probation's status in a manner consistent with judicial standards and ethics.* We have done a lot of the work for this step. It falls under the governance subcommittee and can be dealt with after we receive comments.

- *Review the financial implications of various governance models and examine ways to secure stable funding, improve levels of service, and foster collaboration with other branches of government.* This step falls under Fiscal Review. Fiscal Review and financing cross over with governance but the comments do not stop us from beginning a fiscal review within the state of California
- *Conduct a comprehensive review of current service practices to discover what services are being provided in every county, what probation services are mandated by statute, and what specific or core probation services cost.* We have done a lot of the work for this step. It falls under Standards & Guidelines
- *The Task Force should review the issues surrounding the fair establishment of maintenance-of-effort agreements to support various governance models; this should include a fair assessment of county services.* This falls under Fiscal Review, Collaboration, and Governance.
- *Develop a consensus on issues related to the appointment, evaluation, and removal of the CPO; funding; administration; services and institutions; liability; and employment issues.* This falls under Governance, Fiscal Review, Employee Issues, and Ethics and Liability.
 - Discussion points:
 - Why have we joined ethics and liability?
 - We will discuss support staff available for each of the work groups after we have discussed the future steps. At that time, we may want to move liability or we may want to do an initial review of liability separate from ethics.
 - Ethics and Liability are together because judges were concerned with the ethics of supervising probation officers and having probation officers as witnesses. They were also concerned about expanding their liability if there was any further supervision of probation.
 - Liability could stand alone, with Ethics or with Fiscal Review.
- *Evaluate the ethical, financial, and liability concerns related to any change in the oversight of services and/or custody facilities.* This falls under Ethics and Liability, Fiscal Review, and Governance.
- *Conduct a complete review of all laws and mandates, including statutes, case law, other appropriate regulations, and rules of court related to probation and the delivery of probation services. This review must include an examination of such issues as caseloads, employer-employee relationships, and agency relationships.* This falls under Review of Laws & Mandates

- *Develop a catalogue of probation services provided to the courts and community, including services provided in detention and treatment facilities.* This falls under Standards & Guidelines.
 - Discussion Points
 - It was suggested that the work group name be changed to Standards & Guidelines & Services
 - This step sounds like a public relations tool more than a marketing tool.
 - There are a lot of the recommendations in first report that are related to Standards & Guidelines. While we don't have the comments back yet, the feedback I am getting is that there is a lot of support for those recommendations and there is a lot of work that we could do quickly in terms of developing suggested Standards & Guidelines, identifying best practices and services, and sharing that information statewide.
 - Standards & Guidelines doesn't seem to be a hugely controversial area
 - The issue around cooperation and collaboration involving the delivery of probation services should be addressed in this discussion.
 - It was suggested that Service Delivery and Collaboration be added to the name of the Standards & Guidelines & Services work group.
 - It was suggested that we collapse collaboration and note that its components are within all workgroups.
- Regarding the interim report. The task force spent a lot of time on the executive summary as we recognized that a lot of people would only read that. One comment that has been heard consistently is that it is the best executive summary readers have ever seen associated with this kind of report
- *The Task Force should examine the existing division of court and county services with the goal of determining which services are court services and which are county services. Examination should include the following: (1) Probation services: define which services are included; and (2) Juvenile, detention, and treatment facilities.* This falls under Ethics and Liability, Standards, Guidelines & Service Delivery, Collaboration, and Governance
- Task force should think about possibly adding a "Facilities" work group.
- *Conduct a statewide fiscal review of county probation departments to quantify current probation costs and the potential fiscal impact of any movement of probation services among or between governmental entities.* This would fall under Fiscal Review.

- *Develop statewide standards and guidelines in the areas of workload, minimum levels of service, training, mission statements and objectives, technology, and assessment.* This would fall under Standards, Guidelines & Service Delivery.
- *Determine what core probation services should be provided in all jurisdictions and what services, if any, should be administered by another governmental entity.* This would fall under Standards, Guidelines & Service Delivery.
- *Undertake a further examination of employment-related issues that would include issues such as parity, officer safety, peace officer status, and qualifications of the CPO.* This would fall under Employee Issues. The Task Force should review all statutes and laws that place responsibility on probation officers for delivery of services. This would fall under Review of Laws and Mandates.
- ❖ Support for the working groups
 - Ethics and Liability Resources: (1) Mark Jacobson OGC attorney who works on ethical issues for the courts, (2) Clark Kelso, scholar in residence, and (3) Judge McCarthy who does training for ethics for other judicial officers in California. So, we have Jacobson, Kelso, McCarthy and Audrey, who has been the funnel for ethics questions. Work of this committee could be accomplished with any support you want to lend or Audrey and these individuals could do the bulk of this work. We just need to identify the ethical concerns raised by the judges and other individuals statewide.
 - We have heard a lot from the judges in terms of their ethical concerns with supervision. Liability was raised in round two in two separate ways (1) potential for judges to have some greater role in juvenile detention facilities and the problems related to that and (2) the initial liability issue related to the problems with the probation department or unreasonable employee actions that the county or state tries.
 - These issues cross over with governance, financial review issues.
 - We have two major areas for liability concerns and those are separate issues. Judges see a conflict if they are in charge of overseeing facilities and at the same time responsible for the condition of the facilities.
 - We would want to look at ethics and the conflict issues and then the liability so we could provide some guidance in terms of liability.
 - The longer we have worked on this, the liability issues have become clearer. This group should examine judicial liability and county liability as it exists now and as it potentially might exist in the event of litigation.
 - Review of Laws and Mandates Resources: We have hired a law student who is former probation officer to work approximately 20 hours per week. She worked in Santa Clara County for 12 years and has worked in facilities, courts, and has supervised adult and juvenile probationers. She will be with

us starting in late May/early June and will stay hopefully to end of August. To date, there has never been a comprehensive review of all laws, rules of court, and pieces of legislation that require probation offices to perform services. She could help to support a comprehensive review. Audrey will work with the law student.

○ Discussion Points:

- There are a number of counties who have done a survey of mandates and therefore, there is a lot of documentation available. Sacramento for example, wrote every part of the probation function, did an analysis of if it was mandated or not, and gave descriptions of the services. With the information on Sacramento and with a statutory survey we can accomplish this.
- The Review of Laws and Mandates group and the Ethics and Liability group are both legal issues so it seems that they can be combined into one legal component. We could have one work group that deals with laws, mandates, ethics, and liability, which are all in that legal component.
- Nine work groups are too many. We need to collapse some of the groups.
- We thought that some of these work groups might just have one member of the task force liaising with Audrey and others, so we may not have nine groups.
- Employee Issues Resources: We have said in the report that there are many issues to examine. Support for this group will be the interested parties of the task force and the new line probation officer. To date, we have not done much work on this topic other than identify the issues.
- Fiscal Review Resources: The thought was to survey all probation departments. That information is basically available already. We had talked with our AOC Finance department, which usually has a member of their staff at our meetings. Having gone through the trial court funding process, they are trying to think of the best way of gathering information on probation, so as not to have some of the discrepancies that happened with trial court funding. They determined that it's a very substantial review. We could do a quick and dirty review, but a lot of that information is already out there and, therefore, is not new information. The thought is that perhaps we should wait until we come up with a governance model and know where we are going so that the AOC Finance Department can accurately frame the questions. This is important because it's a survey that would be overwhelming to probation business managers, the courts and the counties and must be done properly the first time, so we do not have to go back for more information. The AOC Finance Dept is available to assist with the survey once it's an appropriate time. Lesley Allen will be attending most of our meetings and she is aware of where we are.

- Discussion Points:
 - If we don't define the information that we are looking for, the results will not be useful. It will be inaccurate and will make a lot of people angry that they went through the process to no avail.
 - Seems that we have to complete the review of laws and mandates before we can do work on a fiscal review. We have to define what probation is before we can do a fiscal review.
 - When they tried to accumulate budget information for the trial court funding process, they found that each county had separate funding and financial reporting systems. It was like comparing apples and oranges. We need the financial information early but it will be difficult to accumulate data in a meaningful and accurate way.
 - An argument was made against putting Ethics and Liability with the Review of Laws and Mandates. Once the ethics and liability issue is resolved then everything else will fall into place because we figure out if we are truly dealing with juvenile facilities and detention and if we do need the budget information or fiscal information on that end of it. I'd like to see people concentrating on that and looking at the laws that pertain to that to see where that falls out. There is a debate about that and until we find out where we are going with this as far keeping probation as juvenile detention facilities, we are also going to have a problem with Fiscal Review, Governance, and everything else.
 - An argument was made that Ethics and Liability is more of a long-range concern, not something that can be dealt with first. There is nothing that can be done in 18 months that will get to the point of implicating those kinds of issues. Ethics and Liability will be an interesting academic exercise but there is no realistic chance of getting to the threshold. It would be a hard-nosed approach to put Ethics and Liability as a first level issue.
 - Ethics and Liability affects everything else.
 - What we heard nationally is if we have a state model or a model where the court assumes more responsibility for probation, there doesn't seem to be any ethical concerns. In states where they don't have this model, they do have ethical concerns. An examination of these issues would be more a "national review" or looking at those jurisdictions where there is complete state funding or where the courts control or have supervision control over probation in the courts and counties and the facilities and what ethical concerns do they face. This would be an academic questions based on the national model which would answer a lot

of questions that judges are raising in terms of their ability to be more involved with probation and their supervision.

- It was suggested that Liability become it's own work group.
 - This issue really focuses on the concern that was raised by the implication and potential for a state model and where do you fit juvenile institutions if you have a state model. What are the ethical concerns and liabilities related to that?
 - This is rather narrowly focused work group.
 - We can define the focus as necessary. Liability should be separate with related issues under it. Ethics should be separate, so judges who have ethical problems can go right to the ethical discussion and see that they are doing this in "x" number of other states they don't seem to have any ethical problems with these issues.
 - Ethical issues manifest themselves when you make certain decisions about governance. Seems to flow after a review of governance. It has to be a part of the discussion on the governance model. Once we have made a decision on the governance model, we can then make ethical issue.
 - If we keep governance as a committee wide concern and really it at that level, then this isn't enough of an insular issue. If we have some expertise that we can focus on and do some surveys around the country and find out how the issue has been raised elsewhere and how it has been addressed, that will help with the governance review. It is worth having the separate work group.
 - This is work we can do now but it only becomes important or relevant once we get to the governance discussion
 - The resolution of the ethics questions will guide and direct the governance and discussion.
 - If there are certain things that for the sake of discussion are ethically impossible to overcome then we are now limiting the number of governance choices that we will be able to make in the worst-case scenario.
 - We may not politically be able to overcome some of the issues but that has nothing to do with the ethical issues. Certainly we have already described the issue of some states living with these models and having no ethical issues. Really it's a political issue.
- Overview of the ethical concerns we discovered in Phase I, for the new members.
 - We started looking intensively at the potential of a statewide model for probation. As we engaged in that process, one of the concerns raised was what to do with the juvenile facilities that

are under probation. The concern was that if there were a statewide takeover of probation, presumably somewhere under judicial branch, there might be a conflict in dealing with juvenile detention facility issues. Judges have commonly been called upon to deal with adequacy of facilities, problems with facilities, liability concerns. They are detached from those facilities and therefore able make decisions those decisions. If judges are actually involved with the administration of juvenile detention facilities there is some inherent conflict. Arizona and Connecticut have developed statewide models where juvenile facilities are under the judicial branch, but that was an issue that when it was raised, a number of judges indicated ethical concerns. We concluded that this was obviously a substantial concern that people have and decided to spend some time looking at the merits, the problems, and how other jurisdictions have overcome it or what problems it has raised there.

- We will probably come up with some options for governance. Certain ethical issues will be addressed with each of them. Right now, in trying to focus the issue of ethics, we have got to come back to the issue of detention, which is where the issue arose with the courts. If we were to go through the governance discussion and ultimately come up with the decision that the California model would not move probation under the courts, we would not have to go through that ethics discussion. As has been pointed out, it's an academic exercise where the certainty is schematic. We have not yet put a model on the table and thought about "will this work". When we do this, we should look at that model and apply the liability, fiscal, and ethical issues and have time to play with it.
- As we looked further at models we began inventing models, for example, the two hats model. This model has the CPO under the state in terms of services and caseload (one hat) and the CPO would have a local county hat as the head of detention. There was a lot of debate on that issue.
- Fiscal President of Probation Business Managers is out of Fresno. Kader would be happy to chat with her on how reasonable this stuff is.
- One can see there is a chicken and egg problem. On the one hand you want to know what the law is, to the extent that the law is going to be heard at all, and on the other hand you want to come up with a governance model which may actually run afoul of some of these principles. With court funding and unifications, one of the big questions was "What do you do with the staff".

One of the big concerns was “How do you litigate disputes if the court is the employer?”. Obviously, the process of reorganization involved identifying areas where the law literally need to be changed and then developing a consensus as to how the law should be changed. We first need to know what the law is because that is the starting point, but it may well be the case that our recommendations will require consideration of some adjustments to the law, which of course, we can’t make unless we know what the law is. We shouldn’t feel uncomfortable with the notion that some of the recommendations may require legislative adjustments.

- Major law suits regarding detention facilities are going to federal courts not states.
- Initially, we were contemplating that we may be making recommendations concerning legislative changes. Once we get through governance, we can focus on the fact that we may need legislation to accomplish the goals. The review of the laws and mandates was to provide for what exists now in the laws and the mandates that hopefully will be funded. And the ethics issue, which does raise itself once you have a governance model, basically is also a definition of our ethical guidelines in California now. We are among the toughest in respect to ethics mandates and guidelines. Some judges will ask for an ethics opinion before they do anything. Judges have been trained to be concerned about ethical issues including supervision of employees. If probation officers become court or state employees and are in the court rooms and become witnesses, a lot of judges will have ethical concerns regarding assessing the credibility of a witness on the stand who is employed by the court. These ethical guidelines could address what exists now. Those are the kinds of issues that the judges are raising.
- The focus for the ethics and liability group is more what exists now, what exists in other states and then how does that fit with relevance to a governance model.
- Standards & Guidelines, Service Delivery and Collaboration Resources: Alan Crogan has volunteered CPOC as the appropriate group to work with us in developing standards and guidelines once we have reached some recommendation. Via information from Norma Suzuki, there are affiliate groups, supervising probation officers, facilities administrators, and business managers that would also be available to assist with the development of standards and guidelines. We discussed the possibility of developing our group as liaison to that group (CPOC and affiliate groups)

- as they probably are the best entity to come up with the standards and guidelines with our input as well. SCOPO would be interested, too.
- Technology Resources: We have a statewide technology advisory committee chaired by Justice Parrilli. We may want to have several members of this group liaison with the statewide technology advisory committee.
 - Discussion points
 - There is no probation organization with a technology working group at present, however, probation needs to be involved.
 - I'm sure the statewide technology advisory committee would be happy to work with us but they might not be able to accommodate us.
 - Instead of a working group here and a statewide technology advisory committee, we need to involve probation as we are talking about developing a statewide language where every county can communicate.
 - We must remember that there is tremendous drop off in the technological capabilities of very small counties and there is very little technical assistance available to them as opposed to the larger counties.
 - Is there any statewide technology for dealing with supervision of probationers on a courtesy basis or is that all paperwork?
 - Systems are being developed/implemented now but nothing is currently available.
 - That is a major area. A statewide system could really address that
 - APPA technology conference, is happening in the next few months, perhaps that conference would be an opportunity to connect with probation groups interested in technology.
 - The technology group can look at or hope to make recommendations on specific recommendations on how to improve statewide communication between courts, counties, and probation.
 - Education Resources: The education recommendations have been fairly well defined from our earlier work. We will want to expand upon those recommendations. This will involve collaboration with other agencies.
 - Governance Resources: There are so many sub issues that the full task force will work on this. We will wait until we get the comments.

Phase II Planning and Work Group Formation- Patricia Bamattre-Manoukian, Audrey Eyje

- ❖ We will now focus on defining the work groups
- ❖ How do you see the development of a funding base? Is it just a governance issue or does it go with other groups? It seems that the development of a funding base would go under governance but it is very important to address it after a review of the laws and mandates in California. We have already looked nationally at funding, so it seems that these two steps would give us a lot of information to use for the governance model.
- ❖ On the technology issue, it was suggested that it would be helpful to include a group of probation directors who would be willing to work on this as a sub group and then make recommendations to us. The statewide technology advisory group is totally court focused. They push for integration but there is no one there with the expertise of probation.
- ❖ Norma Suzuki can find probation folks with expertise in technology in their field.
- ❖ Once we establish the working groups, we are hoping the groups will suggest back to us what resources are available, what contacts they have made, and what we can look to for direction in the system. A lot of people want to be involved; we just need to identify the relevant resources.
- ❖ It was suggested that collaboration be removed as a working group as it is a part of all other groups.
- ❖ Concern was expressed regarding the removal of collaboration as a working group. We want to make sure that collaboration is not diluted when it is made into a part of all the other categories
- ❖ Recommendation 10 should now be addressed by the Standards & Guidelines Group
- ❖ We have received requests for collaboration models from counties. A lot of people are aware that we are working on a model and they have asked us for guidance. They would appreciate it if we could come up with some models and MOU's to appoint and remove CPO's as they move forward.
- ❖ Recommendation 15 should now be addressed by Education.
- ❖ The Standards & Guidelines Group should now address recommendation 17.
- ❖ The work of the Standards & Guidelines group is being broadened.
- ❖ Counties want immediate suggestions regarding collaboration models
- ❖ Again, it was suggested that we collapse collaboration.
- ❖ The counties really want collaboration on the governance issue. Local jurisdictions want interim models on how they can collaborate on appointment, evaluation, and removal of the CPO.
- ❖ Collaboration was eliminated as a work group
- ❖ Ethics will stand alone as a work group
- ❖ Liability will stand alone as a work group
- ❖ Reviews of Laws and Mandates will stand alone as a work group.

- ❖ The judges big concern was “we don’t want detention” because ethically we can’t do that. A group has to thoroughly examine this issue.
- ❖ Ethics and Liability can still be combined
- ❖ There are two separate issues here. One is that there needs to be some connection between who is funding the program, who is liable for the program, and how the program is being managed. That part goes with governance. The other issue is “is there an ethical problem and what are the consequences of that. That problem I believe goes with Ethics.
- ❖ The issue of accountability does not have to go to the local level. If we drive this discussion on ethics as we see it today we totally exclude one possible model.
- ❖ The group should discuss governance first, then the ethics issue will fall out.
- ❖ The ethics issue is political and until we have some answers we aren’t going to get there from here.
- ❖ As we get to governance, if we decide the structure, certainly then the ethics issue raises itself and it should be addressed then. The same for fiscal review, employee issues, and liability. We have to deal with part of it at some point but to look at it as a stand-alone issue today is not productive.
- ❖ Both saying the same thing: at some point, we need to address the ethics. Whether we do it now or in May is the question.
- ❖ It would be a disaster to bring in the federal courts.
- ❖ To summarize, we have ethics as a national view, a states shaped view, and as it becomes relevant to the suggested governance model. There is a review of laws and mandates that can be undertaken at any time. Hopefully sooner rather than later. We have employee issues, which is huge. This working group has to define its charge to a greater extent, as we did little work on it in phase one. We have fiscal review with liability again coming in here with the thought that we should do a survey after we receive comments and after we have done a review of the laws and mandates so we can assess funding in terms of what is mandated and what counties are doing. That information then becomes relevant to the suggested governance model. Standards & Guidelines, Service Delivery, development of a collaborative model; there is a lot of work for this group. Technology, Education, and Governance.

Task Force adjourned for a short break

- ❖ We have broken the nine work groups down into four.
 1. Governance committee:
 - a. Ethics: as it exists now in California, as it exists nationally and as it will relate to the development of our governance model.
 - b. Liability: as it exists now and as it could exist under our model.

- c. Review of Laws and Mandates: will direct our further study of governance in terms of what exists now, what the mandates are and what services are being provided and are mandated services.
 - d. Employee issues
 - e. Fiscal Review
 - f. Collaboration
- 2. Standards Guidelines/Service Delivery and development of collaborative models for counties. Identified assistance for this group.
- 3. Technology
- 4. Education
- ❖ We folded the smaller groups into larger areas. We expect the task force to focus their resources on governance and standards. The Technology group will need to do more work but may not accomplish the end product. This may be more a liaison type of relationship. With Education, there is a lot we can do but it depends on resources and time.
- ❖ The next step is to assign people to groups.
- ❖ An overview of the four groups follows:
 - Governance:
 - a lot of these issues are staff and resource driven. The ethical review is drawing on the expert in OGC who works on general issues. We need someone to help frame the issues but the full group is not required. We would like one or two people to liaison with OGC and Audrey in developing background materials to bring to the task force for the discussion on the governance model and how the ethical issues.
 - The plan is the same with liability. We need someone to frame the liability issue so that the work can be done and brought back to the full group.
 - The review of law and mandates has the staff resources other than someone to talk with the probation departments.
 - For the employee issues and fiscal review groups, we need people to help frame the issues.
 - For collaboration, we need a group to help in developing the protocol so that we can share them with courts and counties who are asking for our assistance.
 - In total, for governance, we need four or five members willing to work as consultants on these projects.
 - Standards & Guidelines: We have talked a lot about how this committee doesn't have the authority to promulgate standards and guidelines. One of the issues behind the probation services task force was the need for some sort of statewide standards and yet there have been no entities with the ability to promulgate standards. CPOC and SCOPO do have some authority over at least a voluntary adoption of standards and guidelines, so perhaps we could help them develop the standards and guidelines for them to use in

- their own departments. This is probably the best way to go rather than us developing the standards and guidelines and then presenting them to the groups, where they might not buy in. They might perceive it as a mandate.
- Technology: We spent a lot of time talking about the need for technology and all the technology related issues but also noting the complete lack of a statewide system and the lack of resources for a technology system. We probably need one or two people to frame the issues, define what are the other groups out there, and determine how they can work with some law enforcement technology group. We identified the issues last time but we never fully explored them. The statewide technology advisory group is focused on court technology but perhaps this work group could attend their meetings and see what systems the courts are developing as we move to the state court system. These models possibly could be replicated on the probation side at some point.
 - Education: We spent some time identifying the educational needs of probationers in terms of how the DOE could be doing a better job at the local level providing education and how probation officers should/could advocate for that. We came up with 4 recommendations on that point. This group will work with DOE to come up with guidelines and work with probation departments and CPOC on how to implement the guidelines.
- ❖ Once we identify these groups, we can then identify some issues and working points for each group to work on over the next month and half before the May meetings.
 - ❖ The board of corrections (STC), title 4, and parole need to be included as they have ability to promulgate.
 - ❖ Parole has requirements for caseload limits. When they reach the limits, they hire someone else or do something about it.
 - ❖ CPOC and SCOPO have experience and authority to develop these guidelines. The other groups already have developed guidelines and we can look at those other groups.
 - ❖ Not sure that parole standards were developed on the basis of time standard. They truly relate to workload issues. That may be a response to caseload maximums to negotiate with the union. This is not based on workload. One of the things that we decided in Phase I was to try to figure out a way of adopting workload standards and come up with accurate representations of workload.
 - ❖ Regarding the education issue, we pinpointed special education as an issue that people were very concerned about. That exists in two different locations, one is out in the public and those who are on probation do not receive special education services and the other is within institutions where we are providing education services to kids who are confined. That seems to relate to the governance issue. The decision we make on governance will necessarily impact education.

- ❖ My concern is are we going to be able to do all of that? The charge is governance.
- ❖ We may not be able to do much on the technology issue, but we have done a lot of work towards standards and guidelines and have identified resources, so it is possible that we can accomplish this.
- ❖ It was suggested to focus task force resources on governance without completely forgetting about the other areas of importance because it may be the case that in some of these areas, as happened the last time, we may make future recommendations.
- ❖ A lot can be done by a few individuals on the education recommendations if they liaison and develop other resources throughout the state. Most of the efforts should be in this area so that we can proceed to governance. We should prioritize Education without de-emphasizing the other areas.
- ❖ The areas of focus for the task force, in order of priority, are Governance, Standards & Guidelines, Technology and Education.
- ❖ To continue, we will identify areas of interest further discuss the scope and charge as it relates to governance, then break to working groups to work further on the issues and develop a plan between now and our next meeting in terms of what efforts the working groups will be making to address recommendations and future steps.

Subcommittee Formation

- ❖ Education: Brown, Ochoa, Rhoads
- ❖ Technology: Gonzalez, CPOC Business Managers
- ❖ Standards & Guidelines: CCPOC, Dominici, Roddy, SCOPO, Suzuki, Board of Corrections, CPPCA, Miller, new line officer
- ❖ Governance: Everyone
 - Ethics: Ochoa, McCarthy, Brown, Jahr, Rhoads
 - Liability: Crogan, Johnson
 - Review of Laws and Mandates: CPPCA, Davidson
 - Employee Issues: Miller, Kader, line officer, Davidson,
 - Fiscal Review (what's going on in mandates): Jahr, Roddy
 - Collaboration (governance collaborative models): Mahoney, Jahr, Bungarz, Clarke, Rhoads, Johnson
- ❖ In all of these issues the work is really just framing the topic and directing staff to develop a product for the whole committee.
- ❖ The governance structure we come up with will change everything below it because the issues are going to be whatever the governance model predicates.
- ❖ The issues below Governance will not change entirely. For instance, Review of Laws and Mandates will be the same no matter what the governance model is. Employee issues, Ethics, Liability, Fiscal Review, and Collaborative issues will be the same as well.

- ❖ The governance model will recommend changes in laws and mandates, changes and recommendations having to do with employee/employer types of issues and the resolution of disputes as the courts take greater supervision of the probation department as it relates to court services, or otherwise how do you resolve disputes.
- ❖ Fiscal review is a review of what exists now and recommendations for how the model we come up with establishes stable funding.
- ❖ Collaboration is a review of what's being done now, what interim collaborative models could be used, and then under the governance model we develop, determine what collaborative models are recommended. A lot of counties want collaborative models now and a lot of counties are engaged in collaborative models now but want to know what are other counties doing and how are they doing it in terms of governance. A lot of the work for the collaboration group is a review of what is now and determining what recommendations need to be made under a new governance model.
- ❖ This collaboration issue came about because in our report we noted that there are collaborative models in existence and we suggested that counties take a look at implementing them. The counties want to know how to appoint a new CPO, how to appoint a new CPO while involving the court or the county, how do they do an annual review from both sides, what do collaborations look like and how do they frame them. If we come up with the models, we can post on web site to disseminate information.
- ❖ Collaboration is a short-term project. We are going to look at the way it is being done and make suggestions. This is something that we could come up with in the next six months and have them available before June 2003. There are models already in existence, we can share these models and then we could, if there is consensus, come up with further refinements or further models. The idea is to provide models that counties can use in the short term until we have a long term recommended governance model. The long term model is not going to be available tomorrow, so need a short term solution for those that want it.
- ❖ The Model will recommend changes to legislation, resolution of disputes, stable funding, what's being done now with collaboration, what can be interim, what is now and what recommendations need to be made under a new model.
- ❖ If we are talking about governance models, we need to know what probation is before moving forward. We need to make sure the vision of probation is not lost.
- ❖ That is in the future steps under the development of standards and guidelines which says we will determine what core probation services should be provided in all jurisdictions and what services if any should be administered by another department.
- ❖ The idea of workload standards is one of our major requirements. Mandated services will require probation to perform mandated issues vs. recommendations.

- ❖ An area of concern is about the degree of collaboration in delivered services especially in California, which is tied to how to deliver services, what kind of services we deliver, what is the funding stream that we use to provide these services, and that we would embrace the whole issue of collaboration among agencies to provide services to probationers. The way collaboration is mentioned now on the white board is in relation to the establishment of governance. How we pick instead of how we deliver services. A big part of the subcommittee work in Phase I was on this issue of the integration of collaboration.
- ❖ We are moving towards our next step today, which is to go through each of these groups and further define what we are going to be looking at as a full group, defining services and standards and guidelines.
- ❖ Overview of each area
 - Standards and Guidelines and service delivery. Frame issues
 - Governance
 - Ethics: This group will focus on judges concerns about assuming responsibility for probation if they become court employees similar to the trial court funding model, if they become state employees and the judges are supervising probation officers as it relates to court services and a greater further and louder concern if they are responsible for supervising probation officers working in facilities. Judges were concerned with both issues but the second was a stronger concern. They are concerned with issues that occurred in situations where they would be sentencing juveniles to confinement and related issues in regard to a perceived conflict where judges need to hear aspects of litigation challenging the conditions of a juvenile detention facility where they are in a position to have some role in what happens in these facilities. Judges were concerned about the adequacy of facilities (enough beds, enough space, those kinds of issues) as they relate to liability, they were concerned about the charge to the juvenile court judge who must now inspect the juvenile hall and facilities. You are inspecting the facilities and you are employing all the probation officers who work there, and then you are potentially sued for the conditions that exist in the juvenile halls and the further problem of if the services aren't good enough you might have to order the county to provide funding for these services. Judges were concerned about all of those and the counties were concerned about the last part. Judges used to order the Board of Supervisors to provide funds for the jail or juvenile hall. Judges who have been on the bench for a while remember these issues and the great conflicts. The "in court" issues involved the conflicts and ethical concerns about supervising probation officers. They prepare the report for you, they talk to the individuals they need to talk to, they make sentencing recommendations, and then they are called as witnesses. You

are listening to testimony of your employee and deciding what sentence to impose, how much restitution to impose. You are assessing the credibility of your employee that you hired and some judges think this is a problem. Some respond that there are no ethical concerns. Others have concerns.

- Judges used to regularly hear lawsuits involving the county when we were funded through the county. Some perceived that as an ethical problem, however, they did it all the time. That was the way it was and it is not tremendously different than what we are talking about for probation.
- Another issue with the overcrowding in the detention facilities is that judges are managing the facilities, they are mandated to uphold the law, they know the detention facilities are overcrowded and inadequate, and yet still sentencing juveniles to them on a daily basis. That is a liability problem.
- Probation is working for bench anyway. They are inspecting facility, turning report to the judges, etc.
- A lot of the interim report is educational. Basically it's about probation in California, and the related problems and concerns, and makes recommendations for improvement. We need to educate the readers in our next report with respect to all of these issues we are discussing today. There are those that have the view that the courts appoint the CPO but they hire everybody. Then there is the distinction that the probation officers are not really court employees because the county pays them. Yes, I have to inspect the facilities and I have to write the report, but they are county funded and I still have the ability to order the county to provide adequate bedding and resources and so forth. So there is still a view that the courts are separate and apart from the counties, they may appoint the CPO but they are not really involved in all of these other issues. The interim report really educated everybody as to what is going on in the state of California. A lot of the issues that we are discussing, is education through the national overview, the local overview, what are we really doing, and what practically are we doing here, which begins to address and answer a lot of the questions we are raising. Those questions need to be explored and answered so that they can be discussed. A lot of these recommendations are not revolutionary at all and others are to some of the readers.
- Some of these issues may be problems but that doesn't mean they can't be addressed. You run into these complications and then you create steps to overcome the problems instead of putting up a firewall.

- We need to think about overcoming the ethical issues and making it work.
- As another example, during California court unification one of the biggest concerns of judges was we have an appellate department where you can appeal the decisions of the municipal court. The sky will fall if we unify and of course it didn't. We created distinct structures within the court to address the problems. It took some doing to find ways of avoiding conflicts of interest and ethical violations. It's important that conflicts of interest and ethical violations be identified because if you don't identify them they might create a structure that is unethical, and then you have a real problem.
- In terms of defining the issues we need to look at the questions and the solutions. We do a true national survey about how these issues are perceived in other jurisdictions. If they have arisen what kinds of answers have other states come up with.
- Are there currently bench officers who, under the status quo, are of the view that there are ethical problems associated with receiving trial testimony or probation violation hearings from probation officers right now? Is that part of this discussion or it a concern that it will become a problem should probation officers become employed by a structure that is perceived to be part of the courts?
- It's the latter issue. If they become court or state employees, then you are hearing testimony from your own employees. It's the court employee status that is the problem, judges hear testimony now from state employees and that doesn't seem to be a problem. It's the court employment status that raised the greater concern.
- The court model is the model that is raising ethical concerns.
- In Arizona they have a state model and the state and the county work together. You have local involvement, which is why we started looking at a hybrid model. If you like Arizona's approach then you have to have a hybrid reporting system with involvement by the state and the county.
- This group will look at all three models (state, court, county) and any related ethical concerns.
- Liability:
 - The group will have to do the same with liability or do governance first.
 - This group will look at all three models (state, court, county) and any related liability concerns.
 - Other issues: Liability for employer actions. The counties, in response to the situation where a judge fired a CPO without

- cause, raised this issue. Liability with respect to facilities, Liability with respect to inadequate supervision, and the issue of not providing adequate supervision of probationers in the field
 - All of the issues are interrelated. All go to the issues of stable funding for probation and adequate training. All of the employee issues we are going to be looking at.
 - National Association of Probation Executives might have material such as a catalog of the issues, as well as APPA on national perspective. This would be especially helpful if there is a judgment that has gone up on a probation officer. We might be able to quickly get at the underlying legal principles involved in the liability questions
- Review of Laws and Mandates: We have a lot of staff assistance for this group. The focus of the group is to do a complete review of all laws, mandates and rules in existence now. This working group will define core services as it is or as it should be.
 - Review of laws and mandates should fall under standards and guidelines. We have this in two groups and need to consolidate them. The starting point on this was to get a complete overview of the existing laws, mandates and rules of court related to probation. Crogan referred to the fact that many counties had put together compilations of all of the statutory mandates that exist in the probation area.
 - The charge of this group is pretty well defined in terms of focus.
- Employee issues: We didn't get into these issues much last time. This group should focus first on those issues that will help us in the development of the governance model.
 - Some of the issues will go under standards and guidelines like qualifications, training. Other issues are salaries, benefits, recruitment and retention, safety, employee continuing education, balance of law enforcement/social work.
 - Arming is going to be an issue if we go to a statewide governance model. Some counties believe that probation officers ought to be armed and perform their duties in a law enforcement fashion. We have this issue of inconsistency on arming probation officers, some counties do, some counties don't, and some counties do it half way. This issue will be explored again in the state vs. court model.
 - Arming also comes under safety.
 - Safety issues can be defined as issues of culture from the perspective of county. The Board of Supervisors might have a perspective about the way they think probation ought to be

performed (law enforcement), which is different from the way some employees see it (I want to be armed to protect myself.)

- If we choose a statewide model we are going to have to deal with this issue unless we say that it will come under the judicial branch.
- Whether it is the judicial branch or some other statewide structure you can still use a local administration model, which is what was done for the trial courts. This way different things are emphasized in different locales to take into account the diverse circumstances in various locations in the state. This issue might go to the standards and guidelines issues. Certainly a statewide structure with local management is a possibility. It depends on the model that you pick.
- To re-emphasize, we have developed five Fundamental principles of the PSTF. One of them is to administer probation services primarily at the local level. That's not to suggest that you can't have statewide model with local management and autonomy. But we do have these principles that we worked hard to develop. When we work in the groups it is important to keep the principles in mind when looking at all models. If we look at a statewide model, local involvement should be kept in mind.
- The discussions we had about the dual role of probation have been emphasized. The balance of the enforcement vs. rehabilitation needs to be addressed.
- Three different groups currently address the appointment of the CPO. We have talked about it in Liability, Employee Issues and Collaboration.
- The reason it is not a separate working group now is that we are waiting to get comments back on the governance issue. We will most likely need to have a facility or detention working group. As we found in the last phase, a discussion of this issue works better with the full group and not the small groups. We may need to develop other groups when we get the comments back but certainly as to the facilities and appointment process we are going to need to do something but it seems premature to work on it now until we get all of the responses back.
- We already know what all the counties are doing. We ought to acknowledge the appointment of the CPO as a group even if we are not going to work on it now.
- As far as employee issues are concerned, they will be the same no matter what model we go with. The structure may be something to deal with down the road. We should try to work on this right away.

- These issues: qualification, training, continuing education, safety, and retirement would be the same under any model. We know the answers to some of the questions (for example, recruitment and retention) ... Money.
 - Employee issues are driven by the fact that they are negotiated. I don't mind setting standards such as training, but I have a real problem with getting into the bargaining negotiations.
 - Are we going to elevate local level issues to state level?
 - Assuming standards and guidelines is fine, but we would do not want to get into the bargaining negotiations. We do want to address things that need to be addressed as a statewide standard.
 - We are considering all models, including state, court, and county models.
 - There are standards but some differences between counties. I assumed that we were talking about standardizing the issues that differ between counties and not talking about bargaining issues. We have standards in certain areas but not across the board but we do not have statewide standards.
 - All of these issues are meet and confer issues. We will not get far in our discussions if we only discuss issues that are not meet and confer.
 - I feel we are here to look at the structure of probation and not get into the bargaining issues. There are some issues that might have to be settled statewide and then we might have to get into this. I want to be careful that we don't step into the bargaining issues but that we do address the issues that need to be resolved statewide.
 - For some of these issues that we are talking about there are already contracts and agreements, so no matter what model you move to you will have to make adjustments.
 - There is a distinction, if go to a court model then this is all decided at the local level, if you go to a state model then you have a completely different governance structure and so that gets back to the question of is it a state model or court model or local governance model with state financing.
 - We should keep in mind that we are considering all models which including state, court, or county.
- Fiscal review: Once we frame the issue, we will consider the cost of the change. We need some kind of instrument that will summarize the information into categories so we can do some sort of meaningful analysis. We need to develop an instrument to collect financial data that is relevant. Determining the financial costs of probation will be difficult due to the different systems in each county. We need to look at funding

streams but how do we do that. State court funding struggled for years to get costs.

- We must have numbers on what probation costs in the final report because if we to present it to legislature/governor and don't have the information, they won't listen to what we have to say.
- What we can't do is ask every probation office to send us last years budget because we would get a ton of paper and it would be very difficult to compare it and make any meaningful assessment system wide. There will be things that this aggregation can tell us but on the other hand we can't impose a single statewide system of accounting for the limited purposes of the study. So what we are going to have to do is develop some kind of instrument that allows us to get what they prepare annually in a format that is comparable and in some way summarizes it into categories we have developed so that we can make some kind of meaningful comparison. We need to avoid ending up with a meaningless aggregate total figure.
- We probably want to work on that after we review laws statutes and mandates.
- We need to develop an instrument to collect financial data that would be relevant. Some of what probation does they have no alternative and other issues they have discretion. We need to look at their outside sources of funding.
- If you start asking what you spend on adult supervisions some counties will have the information in one place and others will have it somewhere else.
- Once we know what we need to know, we can work with CPOC and all of the counties to get the information to assist our review.
- We can't get information on revenue streams from probation; we have to get it from counties.
- We could get data from three or four counties to look at so we can see what kind of information we can get.
- We could figure out what mandated services they provide and then back in to how it is funded.
- Things we can work on now are what services are mandated, what services are being provided, and what are the revenue streams that are coming in.
- We need to review some of the requirements for funding that currently exist including a review of the requirements for federal money. This brings up the issue of fragility of funding streams in the future.

- To summarize, we need to broaden the charge, determine the cost of probation, identify funding streams and then develop an instrument to collect the data. We will then be equipped to look at stable sources of funding, while looking toward a recommendation to the governance model.
- Collaboration: the focus of this group is to identify collaborative models that are being used now, share those, and develop further models that can be used immediately. Models would pertain to selection, retention and evaluation of CPO. We know from our survey in phase one that there are a lot of collaborative models out there now. Some counties have figured out a way to collaborate.
- Regarding the appointment, retention, and supervision of CPO, we should wait until we get the comments back.
- Regarding the governance discussion and the study of other jurisdictions models, is it productive to assess the interrelation of parole and probation? They serve the same public. As we learned in the trial court unification process, it is possible to have a state system that operates locally. Even if political barriers exist, it could be worth our review. Ought they to be thought of as one entity? Some states do combine probation and parole. This would potentially require a redesign of probation services.
- We looked at this in phase one and found that the connectivity was not significant enough to try to connect to the overall package.
- This strikes at looking at the entire justice system. As it stands now, we have two separate entities that don't speak. The political barriers are huge. We would have to take on CCPOA.
- If parole would assume the role of probation, it would be more of a state animal.
- In running a state system, we would need a state probation and parole agency. Staff would be absorbed into one entity and the recruitment and retention would not be a problem because it would be one agency.
- Functionally probation and parole have a lot more in common than corrections.
- CCPOA has their money invested in the institutions and were going to get rid of corrections at one point.
- If there is an integrated structure that exists, it would be worth our knowing about it even if we are unprepared or unwilling to go in that direction. This may be politically unattractive.
- The disconnect between probation and parole has practical problems.
- We made recommendations that could be implemented, given a long-term model. In the trial court funding model, the judges are state employees and are paid by the state (primarily). The staff members are

- employees of the court, paid by the state. Under a state model, probation officers would be paid by the state but supervised at the local level.
- It is being suggested that, since parole officers are state employees paid by the state and parole officers supervise parolees. As a state model, probation officers would be state employees merged with parole officers. Under a court model, probation officers would be employees of court paid by state. The distinction is that under a state model, probation officers would be state employees paid by state, with state unions, and could be subject to local benefits.
 - It is important to pay attention to the culture of probation and parole. Parole offices are basically the same from county to county, however, probation is extremely different between counties.
 - We are getting back pretty even services and you may lose when you go to this other system. By combining services, the state will provide base services. You may find that the counties that pay less on maintenance and efforts to the courts are giving better services today than the counties that were paying more money that possibly were not? That is the danger in consolidation. With the county funding, the smaller counties were traditionally under funded so the states funded them first to get them up to standard. The whole basis was to provide equal access across the state no matter what court you go to you had access to the courts. That has been achieved.
 - The statewide system of parole is outside of the court system. Parole violations don't go to the court, they go to another statewide body. It's a system that exists outside the court system right not. We would have to deal with the issue of are you going to bring that into your system now.
 - The suggestion to look at the interrelation between parole and probation was made not to say we should go with this model, but we should determine whether there are other states that have a unified system and if so, is it working, because if it turns out that this works elsewhere we should consider it here.
 - We did examine a lot of these areas but we need to reexamine a lot of these issues as well.
- ❖ Standards Guidelines Service Delivery: This group is charged with examining all the recommendations placed under the category, all future steps that have been placed under the category, and the development of core services, and collaborative relationships in the delivery of services and developing models there. This is a huge charge.
- On the issue of developing mission statements, we have done a survey and identified those departments with mission statements. The group would focus on the development of mission statements, how to develop them, what the mission statement should include and then sharing mission statements in existence with other probation officers

- Recommendation 4: The group will focus on how to develop those, what are they, what are probation departments doing now, developing suggested guidelines.
- Recommendation 5: The group will work in conjunction with technology committee. Crogan will put Gonzalez in touch with CPOC business managers
- Recommendation 7: We already know from our survey that many counties have developed assessment and classification systems, and they are using the tools. The group will focus on developing recommendations and models to share. We envisioned this in next report as a best practices type discussion. This is what is being done, this is what is recommended, and here's how you do it.
- Recommendation 8: This has been established in many counties. The group will focus on developing a publication of that with suggestions to departments concerning how to develop those.
- Recommendation 9: Working group will develop suggested methods of early intervention and prevention. We want to do best practices, with a deeper explanation about the collaboration. We have determined that the best way to deliver these services is community based, in the community, with community support. This group will focus on determining what types of models we want to suggest and providing some examples of what is being done. We have out of state examples like Deschutes County.
- Recommendation 11: The group will focus on developing some fairly well defined recommendations concerning workload standards and determine how to establish those, how to measure those, and what is an appropriate workload standard based on the classification or level of the violator you are supervising. The issue behind this recommendation was simply that too many counties base on caseload not workload. Also, we want to get into some discussion on banked caseloads and the fact that when you have banked caseloads it lowers your workload but you have more paperwork (forms) which defeats the purpose.
- Recommendation 16:
- We lost Recommendation 12. It will go under Education and Standards & Guidelines. The group addressing this issue should focus on the appropriate education of probation officers as it relates to the educational needs of adult and juvenile probationers.
- Recommendation 11: We should develop an analytical tool for determining what appropriate workload standards are in probation services, such as one felony = three misdemeanors, etc.
 - We currently have examples of that. Departments do time studies but they also need to address what level the court expects and wants for supervision of cases. This should be drawn together.

- They probably look at the sophistication of the case rather than the statistics of the case.
- A lot of counties have models and it might be useful to look at all of them and then make suggestions.
- There are two issues here. One is issue of having time studies show how much time it takes to handle the types of cases that they deal with and the other is what levels do the courts expect and want us to supervise. We should spend some time thinking about what the court expects to receive from probation. There are other things too, such as the monitoring of banked cases. Some counties do assessments periodically. A person that is on probation that meets their objectives and improves might have their case banked. It's a process where, although the cases are banked, they are monitored periodically.
- Seems like we are talking about looking at creating a state model and creating some sort of baseline and a loose form of uniformity with local options. Are we going to do that in the workload area? Are we going to look at it in that context?
- Parole has a limit on caseloads. Arizona has a limit, as well. If we are considering a state model, as we are moving in that direction and suggesting workload standards we should look at what is out there and do it the way where we are suggesting, a baseline or couple of models.
- Most judges have resigned themselves to the level of service that probation departments have been able to provide and would like to see more supervision, especially in the misdemeanor area. We should not just going to look at what is going on today because there is a lot that should be going on that isn't.
- The group should keep in mind that there is a connection between workload standards and caseload ratios. They go together. In LA county both management and the union got together for a six month period with a stop watch to determine the language in their contract. The caseload ratio is the heart and soul of the LA county contract. It's the automatic promotion clause, it's the automatic hiring clause, and it's the automatic transfer clause. It keeps things moving. It's a very fluid article. We will miss the boat if we ignore that connection.
- We need to talk about this not in simply terms of hiring more probation officers, but in terms of raising the professional status of probation and providing a higher level of service to the court. We have to outline what that level looks like.
- This issue is related to the fiscal issues. We had high standards once upon a time and then we went through proposition 13 and they were changed. We used to write a 14-15 page report, then it was down to a 5 page report and then to a 1 page report. Courts are complaining now but they seem to have forgotten all that has happened to get us to the present

- situation. That all comes back to funding which drives the workload/caseload issue.
- We are still going to have a level of service, shouldn't go past it.
 - Recommendations 16 and 17: The group needs to first do some work and report back to the full task force before we talk about a governance model
 - We will want to talk about some of these issues while developing governance models. However, some of the issues can be worked on right away.
 - Future steps:
 - One has been completed
 - What services are mandated by statute? We are going to do that
 - The cost of core services. Once counties define core services, then it is a matter of determining costs of those core services in each county by development of an instrument to gather that information
 - Develop catalog. That is basically done, but maybe not as to the treatment facilities. We have a lot of that information. Probably after next committee meeting we will need a facilities treatment group.
 - We will have to deal with some standards that are already mandated. They are there but unenforced.
 - This task force is specifically not supposed to be dealing with facilities.
 - We also talked about developing statewide standards. That is the basic charge of this working group. This group will need to tell us what we can do, what we should wait to do until we have developed our governance model to a further extent, and what we may not be able to accomplish during this next phase.
 - ❖ Regarding technology, Gonzalez will work with Suzuki to get in touch with people that CPOC considers to be leaders in the probation arena on technology. The plan is to listen to them, make suggestions, and come back with a proposal. Gonzalez is a member of the national technology committee, and can liaison with the statewide technology committee. We will work on the issue of integration with the entire justice community. Miller can put Gonzalez in touch with Dave Davies, in charge of technology in LA County.
 - ❖ Education: The recommendations with respect to education are 12, 13, 14, and 15.
 - Recommendation 12: This group will possibly liaison with DOE and focus on how to identify and support those children now. This group should also look at making sure that the schools meet the needs of the kids. We can look at Santa Clara County on this issue. Legislation has been proposed a couple of times to give some teeth to the assessment process in public schools. It would be important to know the whole background. Santa Clara County would be happy to be involved in sharing that information and providing suggestions to other counties in

terms of how to move forward on these issues and identify those juveniles.

- Recommendation 14: Similar issues as above
- Recommendation 15: The group will work with education agencies to make sure adults have the opportunity for education. This is something we haven't focused on in the past in terms of developing skills and insuring that when our adults are released they will be gainfully employed. This should include vocational training.
- Judges use creative dispositions to address education in the juvenile courts. This recommendation does not have to be adult education only.
- In terms of education, that committee can also let us know at next meeting if they want to broaden the charge, they can prioritize the recommendations, and report back to the full task force on what they want to do.
- ❖ We haven't forgotten appointment, retention, and evaluation of CPO's or facilities.
- ❖ Committee's will be working with Audrey and Liz to the extent she is available.
 - Designating Leads:
 - Technology – Gonzalez
 - Ethics – McCarthy
 - Liability – Crogan
 - Review of Laws and Mandates – Davidson
 - Employee Issues – Kader and Miller
 - Fiscal review and funding – Jahr
 - Collaboration – Bungarz and Clarke
 - Standards & Guidelines – Suzuki and Davidson
 - Education – Brown
 - Responsibility of leads: Minutes will sent by the end of March. Comments on the draft interim report will be summarized in categories by April 15. Audrey will contact the leads sometime after you receive the minutes. You will probably want to set up a conference call to prioritize the work, to make suggestions to us, to expand or limit the work you are going to do, and to begin work on whatever issues you think you can begin working on.
 - Standards Guidelines & service delivery: You may want to divide the work up and have different people begin working on different areas in conjunction with Audrey.
 - Collaboration: we have some existing models and can begin to put those together.
 - Employee issues: You can begin by prioritizing the issues and report back to the full task force on how you are going to approach those
 - Ethics: this involves work with Audrey, Kelso and Jacobson
 - Technology: Gonzalez is ready to move forward with her charge

- Education – contact Audrey
- Leads please take the lead. During phase one we had more staff and less committees and could offer more support. Audrey will support the groups as much as possible and attend meetings as much as possible, but cannot attend all of the meetings.

At our next meeting

- ❖ Day one: we will review all of the comments that we received on the report. This will help us focus on the governance issues. You really want to focus on those comments that relate to your working group as they relate to the issues we have been discussing. We will spend either a half or full day reviewing comments, depending on how many we receive and what type. Working groups can report on what they have accomplished and we might be able to give working groups some time to meet.
- ❖ Day two: We hope to turn to governance and then in June have a one or two day meeting to discuss governance. By the September meetings, we should really have the governance model together.
- ❖ In May we will review the comments and revise as necessary. The report has to go through the CSAC and the Judicial Council process to get officially approved, which could take another six to eight weeks. The idea is to make changes and file a final interim report. In June of 2003, we will file a final report.
- ❖ In terms of resources for education, we have access to lawyers who have a special education expertise.

Meeting adjourned

An action plan for each work group follows:

- I. Governance:
 - a. Ethics
 - i. Work Group/Liaison & Resources:
 - 1. Work Group
 - a. Irma Brown
 - b. Steven Jahr
 - c. Kevin McCarthy (lead)
 - d. Frank Ochoa
 - e. John Rhoads
 - 2. Resources
 - a. Mark Jacobson
 - b. Clark Kelso
 - ii. Relevant Recommendations

RECOMMENDATION 2: Further study is needed to evaluate and develop a California Probation Model that conforms to the task force’s fundamental principles and addresses the governance, structural, and fiscal concerns facing local probation departments.
 - iii. Action Plan:
 - 1. Identify the ethical concerns raised by the judges and other individuals statewide.
 - 2. Frame the issues.
 - 3. Liaison with OGC in developing background materials to bring to the task force for the discussion on the governance model and the ethical issues.
 - 4. Issues:
 - a. Probation becoming court employees v. state or county employees
 - i. Staffing
 - ii. Services
 - iii. Facilities
 - b. Courts overseeing facilities
 - c. Courts hearing cases related to probation facilities
 - d. Courts assessing “their” employee (e.g. court reports by court officers)
 - e. Detail current ethical issues
 - f. National survey
 - g. Examine State, court and county models.
 - h. Develop models to address current ethical concerns in new model

- b. Liability
 - i. Work Group/Liaison & Resources:
 - 1. Alan Crogan (lead)
 - 2. Michael Johnson
 - ii. Action Plan:
 - 1. Frame the liability issue so that the work can be done and brought back to the full group.
 - 2. Issues
 - a. Employer actions
 - b. Facilities
 - c. Inadequate supervision
 - d. Look at cases with awards to form issue
 - e. National Association of Probation Officers
 - f. APPA
 - g. Examine State, county and court models
- c. Review of Laws and Mandates
 - i. Work Group/Liaison & Resources:
 - 1. Liaison: Bill Davidson
 - 2. Resources:
 - a. Law student
 - ii. Action Plan: The review of law and mandates has the staff resources other than someone to talk with the probation departments.
 - iii. Issues
 - 1. Review all laws and mandates related to probation
 - 2. Compilations of standards (from business managers)
 - 3. How mandates funded
 - 4. What do core services cost?
- d. Employee Issues
 - i. Work Group/Liaison & Resources:
 - 1. Work Group
 - a. Trish Clarke
 - b. CPPCA appointee
 - c. Bill Davidson
 - d. Phil Kader (lead)
 - e. Ralph Miller
 - ii. Action Plan: Frame the issues

iii. Issues:

1. focus on those that will help in the development of governance model.
2. Qualifications
3. Retention/recruitment
4. Continuing education requirements
5. Safety, arming especially if state model
6. Dual role
7. Salary, benefits
8. Status
9. Training
10. State, Court, County model
11. Meet and confer

e. Fiscal Review/Funding

i. Work Group/Liaison & Resources:

1. Work Group:

- a. Alan Crogan
- b. Steven Jahr (lead)
- c. Bill Mahoney
- d. Ralph Miller
- e. Mike Roddy

2. Resources:

- a. AOC Finance department

ii. Action Plan: frame the issues

iii. Issues:

1. Frame the issue then consider the costs
2. Survey after comments
3. Timing: after Review of Laws and Mandates is completed
4. Cost of probation
5. What new model will cost
6. Instrument to gauge cost between counties
 - a. Uniformity
 - b. not overly burdensome
7. Start with sample of counties? What are mandated services and how are they funded

- f. Collaboration
 - i. Work Group/Liaison & Resources:
 - 1. Work Group:
 - a. Denny Bungarz
 - b. Trish Clarke (lead)
 - c. Steven Jahr
 - d. Michael Johnson
 - e. Bill Mahoney
 - f. John Rhoads
 - 2. Resources
 - a. BOC
 - b. STC
 - ii. Relevant Recommendations:

RECOMMENDATION 10: Courts and counties should develop and implement partnerships and work collaboratively to ensure appropriate levels of services for adult and juvenile offenders.
 - iii. Action Plan: Develop the protocol so that we can share collaboration models with courts and counties who are asking for our assistance.
 - iv. Issues
 - 1. Identify collaborative models that are being used now.
 - 2. Share those, develop further models that can be used immediately.
 - 3. Develop models for interim use
 - 4. Work with standards and guidelines group
- g. Appointment, Evaluation, Removal of CPO
 - i. Defer until comments are reviewed

- II. Standards/Guidelines/Service Delivery
 - a. Work Group/Liaison & Resources:
 - i. Work Group:
 - 1. CPPCA appointee
 - 2. Bill Davidson (lead)
 - 3. Ronn Dominici
 - 4. Ralph Miller
 - 5. Mike Roddy
 - ii. Resources:
 - 1. BOC
 - 2. CPOC affiliate groups
 - a. Supervising probation officers
 - b. Facilities administrators
 - c. Business managers
 - 3. SCOPO
 - 4. Norma Suzuki
 - b. Relevant Recommendations:
 - i. **RECOMMENDATION 3:** Probation departments should develop and annually review mission statements with clearly defined goals and objectives. Mission statements, Q & A
 - 1. Mission statements, Q & A How to develop
 - 2. What to include
 - 3. Models
 - ii. **RECOMMENDATION 4:** Probation departments should incorporate measurable outcomes in developing goals and objectives. Measurable outcome
 - 1. Define
 - 2. Guidelines
 - iii. **RECOMMENDATION 5:** Probation departments should develop a common statewide language to facilitate communication, delivery of services, and comparisons across jurisdictions.– with Technology
 - iv. **RECOMMENDATION 7:** Probation departments should develop assessment and classification systems and tools as part of an effective case management strategy.
 - v. **RECOMMENDATION 8:** Probation departments should establish a graduated continuum of services and sanctions to respond to the needs of each offender.
 - vi. **RECOMMENDATION 9:** Prevention and early intervention efforts in appropriate cases should be an essential component of effective and meaningful probation services.
 - vii. **RECOMMENDATION 11:** Probation departments should adopt workload standards rather than caseload ratios.

- viii. **RECOMMENDATION 16:** Juvenile detention reforms should be developed and implemented to ensure that juveniles are appropriately detained and to reduce overcrowding in detention facilities
- ix. **RECOMMENDATION 17:** Probation departments should consider an approach to probation that balances offender accountability, victim restoration, competency development, and community collaboration.-work with education group
- c. Action Plan: help CPOC and SCOPO develop the standards and guidelines for them to use in their own departments.

- III. Technology
 - a. Work Group/Liaison & Resources:
 - i. Liaison: Sheila Gonzalez
 - ii. Resources
 - 1. CPOC Business Managers
 - 2. Statewide technology advisory committee chaired by Justice Parrilli
 - b. Relevant Recommendations:
 - RECOMMENDATION 6:** Probation technology resources should be reconfigured and augmented to enhance statewide communication and improve operational systems, resource allocation, and capacity for evaluation.
 - c. Action Plan: frame the issues, define what are the other groups out there, and determine how they can work with some law enforcement technology group.
 - i. Work with probation leaders
 - ii. Meet and bring back to PSTF
 - iii. Integration with justice community
 - iv. Contact Dave Davies in L.A. (per Miller)

IV. Education

a. Work Group/Liaison & Resources:

i. Work Group:

1. Irma Brown (lead)
2. Frank Ochoa
3. John Rhoads

ii. Resources:

1. The education recommendations have been fairly well defined from our earlier work. We will want to expand upon those recommendations. This will involve collaboration with other agencies.

b. Relevant Recommendations:

i. **RECOMMENDATION 12:** Probation officers should be trained to ensure that children's educational rights are investigated, reported, and monitored.

ii. **RECOMMENDATION 13:** Probation departments should, whenever appropriate, support the efforts of parents and schools to identify children with exceptional needs or other educational disabilities to provide proper educational services.

iii. **RECOMMENDATION 14:** Probation departments should work with schools and education agencies to ensure that juveniles in custody and on probation receive the educational services and appropriate curriculum required by law.

iv. **RECOMMENDATION 15:** Probation departments should work with education agencies to ensure that adult probationers have access to educational and/or vocational services.

c. Action Plan: This group will work with DOE to come up with guidelines and work with probation departments and CPOC on how to implement the guidelines.

i. Work with standards & guidelines group

ii. Work with employee group

iii. Work with Department of Education

iv. Santa Clara

v. Proposed legislation

Task force will defer further development of the following:

RECOMMENDATION 1: Probation departments must have stable and adequate funding to protect the public and ensure offender accountability and rehabilitation.

RECOMMENDATION 18: In conjunction with any change to the probation model in California, a change in name for probation should be considered to better reflect probation's function and status.